



Public Notice

**US Army Corps
of Engineers**
Louisville District

Public Notice No.
200300766

Date:
25 Nov 03

Closing Date:
25 Dec 03

Please address all comments and inquiries to:
U.S. Army Corps of Engineers, Louisville District
ATTN: Ms. Kimberly M. Beasley, CELRL-OP-FS
P.O. Box 59
Louisville, Kentucky 40201-0059

Phone: (502) 315-6688

This notice announces an application submitted for a Department of the Army (DA) Permit, subject to Section 404 of the Clean Water Act (CWA).

APPLICANT: Department of Highways
Commonwealth of Kentucky Transportation Cabinet
State Office Building, 10th Floor
Frankfort, Kentucky 40622

AGENT: Keith Crim
Commonwealth of Kentucky Transportation Cabinet
Division of Environmental Analysis
125 Holmes Street
Frankfort, Kentucky 40622

LOCATION: The proposed project includes unnamed tributaries to Phillips Creek and Pond Creek. The roadway alignment begins north of the Nagel Road and US 27 intersection and proceeds northward for approximately 7.3 miles overland to its proposed terminus near the KY-10 and US-27 intersection, south of Alexandria, Campbell County, Kentucky.

Latitude: From 38-50-51 to 84-22-42
Longitude: From 38-56-21 to 84-23-39
7.5 Minute Quad: De Mossville, Kentucky

PURPOSE: The purpose of the proposed project is to improve safety, address traffic volume, and reduce travel time.

DESCRIPTION OF WORK: The applicant proposes to reconstruct and widen a 7.3-mile section of KY-27 south of Alexandria. This notice addresses the proposed impacts that would require the placement of one (1) culvert pipe into an ephemeral stream, three (5) culvert pipes into intermittent streams, and eight (8) culvert pipes into perennial streams. The work would also include filling five (5) ponds and two (2) wetlands for the construction of both road embankments and detention/wetland basins.

The remaining twenty-six (26) crossings, identified on the attached Location Map, involve impacts of less than 500 linear feet and 0.10 acre of "waters of the United States" for each single and complete crossing. Each site has been reviewed and determined to have a minimal impact on the aquatic environment. Therefore, the impacts at the remaining twenty-six (26) crossings qualify for authorization under the terms and

conditions of Nationwide Permit (NWP) 14, *Linear Transportation Projects*. However, Station 13+000 involves impacting 0.4 acre of wetland to facilitate roadway construction, therefore this particular site requires multi-agency pre-construction notification and review in accordance with the Nationwide Permit Regional Conditions established for Kentucky. This public notice serves as that notification.

Brief descriptions of those sites requiring individual permit review are as follows:

Station 4+547: Approximately 616 linear feet of an unnamed perennial stream to Phillips Creek would be filled with a 72-inch pipe and rock for roadway construction.

Stations 7+150 to 7+450: Approximately 1,403 linear feet of an unnamed perennial stream to Phillips Creek would be filled with soil and rock and relocated for roadway construction while approximately 321 linear feet of an unnamed intermittent stream to Phillips Creek would be filled with a 48-inch pipe and rock for roadway construction.

Station 8+408: Approximately 637 linear feet of an unnamed perennial stream to Phillips Creek would be filled with a 66-inch pipe and rock for roadway construction.

Stations 8+830 to 9+000: Approximately 640 linear feet of an unnamed perennial stream to Phillips Creek would be filled with a 48-inch pipe and rock for roadway construction. Additionally, a 1.03-acre pond would be filled for roadway embankment construction and 1.75 acre of emergent wetlands would be filled for construction of a detention/wetland basin and roadway embankment.

Station 9+505: Approximately 590 linear feet of unnamed perennial stream to Phillips Creek would be filled with a 48-inch pipe and rock for roadway construction.

Station 9+998: Approximately 856 linear feet of an unnamed ephemeral stream to Phillips Creek would be filled with a 48-inch pipe and rock for roadway construction.

Station 10+869: Approximately 538 linear feet of an unnamed perennial stream to Pond Creek would be filled with a 48-inch pipe and rock for roadway construction.

Station 10+968: Approximately 666 linear feet of an unnamed perennial stream to Pond Creek would be filled with a 48-inch pipe and rock for roadway construction.

Station 11+340: Approximately 637 linear feet of intermittent stream to Pond Creek would be filled with a 36-inch pipe and rock for roadway construction.

Station 11+624: A pond of approximately 4.1 acres would be filled with a 60-inch pipe, soil, and rock for roadway and road embankment construction.

Station 12+075: Approximately 217 linear feet of an unnamed intermittent stream to Pond Creek would be filled with a 42-inch pipe and rock for roadway construction. Additionally, three ponds (0.1 acre, 0.4 acre, and 0.005 acre) totaling 0.505 acre would be filled with a 42-inch pipe, soil, and rock for roadway and road embankment construction.

Stations 12+430 to 13+808: Approximately 286 linear feet of an unnamed perennial stream to Pond Creek would be filled with a 66-inch pipe and rock for roadway construction while 430 linear feet of an unnamed intermittent stream to Pond Creek would be filled with a 48-inch pipe and rock for roadway construction.

Old Route 4 at Station 10+135 and Craft Road at 10+289: Approximately 833 linear feet of an unnamed intermittent stream to Phillips Creek would be filled with a 66-inch pipe and rock for roadway construction.

Station 8+960: Approximately 0.95 acre of emergent wetland would be filled for both roadway and retention basin construction.

NOTE: Approximately 5,230 cubic yards of native rock and earthen material generated from onsite excavations would be used for stream, pond, and wetland impacts. Approximately 2,520 cubic yards of quarried limestone brought onsite from a commercial source would be used for all inlet and outlet streambank stabilization. Further details concerning the impact sites and proposed mitigation are available upon request.

MITIGATION: The applicant proposes to convert 0.45 acre of pond to emergent wetland and enhance 0.35 acre of existing emergent wetland, both located at Site 4, to compensate for wetland impacts. In addition, approximately 4,409 linear feet of perennial stream to Pond Creek would be relocated with natural channel design and contain a forested riparian buffer zone, located at Site 12, to compensate for stream impacts. It is noted that this proposed mitigation plan is open to comment and subject to change. The Corps will make a determination of appropriate mitigation, upon review of all submitted information.

REVIEW PROCEDURES: A DA Permit cannot be issued if any legally required Federal, State, or local authorization or certification is denied. A DA Permit, if otherwise warranted, will not be issued until a State of Kentucky Water Quality Certification or waiver is on file at this office. In order to comply with Section 401 of the Clean Water Act, the applicant, by this notice, hereby applies for State certification from the Kentucky Natural Resources and Environmental Protection Cabinet Division of Water (KDOW).

Copies of this notice are sent to the appropriate Federal and State Fish and Wildlife Agencies. Their views and comments are solicited in accordance with the Fish and Wildlife Coordination Act of 1956. Based on available information, the proposed activity will not destroy or endanger any Federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. A request for a public hearing must state the specific interest that might be damaged by issuance of the DA Permit.

The National Register of Historic Places has been examined, and it has been determined that there are no properties currently listed on the Register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archaeological, scientific, pre-historical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetic values, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, navigation, recreation, water supply, water quality, energy needs, safety, food production, and in general, the needs and welfare of the public. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines (40 CFR Part 230) promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the CWA.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also

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Regulatory Branch (South)
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used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Written statements received in this office on or before the closing date will become a part of the official record and will be considered in the determination on this permit request. Any objections that are received during this period will be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. A permit will be granted unless its issuance is found to be contrary to the public interest.

Information pertaining to this application is available for public examination during normal business hours upon prior request. All comments regarding this proposal should be addressed to Ms. Kimberly M. Beasley, CELRL-OP-FS at the address noted above and should refer to the Public Notice Number 200300766-kmb.